

KEVIN V. RYAN (CSBN 118321)  
 United States Attorney

EUMI L. CHOI (WVBN 0722)  
 Chief, Criminal Division

NAHLA RAJAN (CSBN 218838)  
 Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102-3495  
 Telephone: (415) 436-6838  
 FAX: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-05-70925 EMC
	)	
Plaintiff,	)	<del>[PROPOSED]</del> ORDER AND
	)	STIPULATION EXCLUDING TIME
v.	)	FROM THE SPEEDY TRIAL ACT
	)	CALCULATION
MODESTO SOLIZ-TORRES,	)	(18 U.S.C. § 3161 (h)(8)(A))
aka Modesto Solis-Torres,	)	
aka Hugo Gonzalez,	)	
	)	
Defendant.	)	
	)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter November 10, 2005 for defendant's initial appearance on the complaint, and again appeared on November 16, 2005 for defendant's detention hearing..

2. On November 16, 2005, the matter was continued until November 29, 2005 for arraignment.

3. The parties appeared before the Honorable Nandor J. Vadas on November 16, 2005 for a detention hearing. Assistant Public Defender David Fermino, standing in for Assistant Public Defender Josh Cohen, who represents the defendant, requested an exclusion of time from

November 16, 2005 to November 29, 2005, based on effective preparation of counsel. The parties moved that this same time period be excluded from the calculation of time under the Speedy Trial Act.

4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A), (B)(iv). The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

2. For the reasons stated, the time period from November 16, 2005 through November 29, 2005 shall be excluded from the calculation of time under the Speedy Trial Act.

IT IS SO STIPULATED.

DATED: \_\_\_\_\_

Respectfully Submitted,

\_\_\_\_\_  
/S/  
NAHLA RAJAN  
Special Assistant United States Attorney

DATED: \_\_\_\_\_

\_\_\_\_\_  
/S/  
DAVID FERMINO FOR JOSH COHEN  
Counsel for Modesto Soliz-Torres

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 11/29/05 \_\_\_\_\_

  
\_\_\_\_\_  
HONORABLE NANDOR J. VADAS  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161 (h)(8)(A))

to be served this date on the party(ies) in this action,

Via Hand Delivery

**DAVID FERMINO**  
**Assistant Federal Public Defender**  
**450 Golden Gate Avenue, 19<sup>th</sup> Floor**  
**San Francisco, CA 94102**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 22, 2005

\_\_\_\_\_/S/  
Ponly J. Tu  
Legal Assistant (Immigration)  
U.S. Attorney's Office